

AN ORDINANCE AMENDING CHAPTER 51 OF THE
CITY OF FORT WAYNE CODE OF LAWS.

WHEREAS, in March of 1993 the United States Environmental Protection Agency Region 5 (USEPA Region 5) conducted an audit of the Fort Wayne Water Pollution Control Plant; and

WHEREAS, USEPA Region 5 issued its Findings and Conclusions following its audit, along with an Order requiring the City to amend certain provisions of Chapter 51 of the Code of Ordinances; and

WHEREAS, certain other amendments to Chapter 51 are also appropriate at this time.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 51 of the City of Fort Wayne Code of Laws be amended as follows:

CHAPTER 51

SEWERS AND SEWERAGE SYSTEM

General Provisions

Sec. 51.001. Definitions.

Unless the context specifically indicates otherwise, the meanings of the following terms as used in this Chapter and as used in the Rules and Regulations adopted by the Board of Public Works implementing the provisions of this Chapter for the Fort Wayne sewerage system are as set out below respectively:

- a) "ACT:" the Federal Water Pollution Control Act, also known as "The Clean Water Act," as amended, 33 U.S.C. 466, as referred to at I.C. 13-1-4-1.
- b) "APPLICABLE PRETREATMENT STANDARDS" - any pretreatment limit or prohibitive standard (Federal, State and/or Local) contained in the ordinance and considered to be the more restrictive with which non-domestic users shall be required to comply.
- c) "BIOCHEMICAL OXYGEN DEMAND (BOD)" - the quantity of dissolved oxygen, in milligrams per liter, required during the stabilization of the decomposable organic matter by aerobic biochemical action of sewage, sewage effluent, polluted waters or industrial wastes under standard laboratory procedures for five days at 20° centigrade. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" (see paragraph 24-1. (rr) below).
- d) "BUILDING (OR HOUSE) DRAIN:" that part of the lowest piping of a drainage system which receives the discharge

from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer.

1. **"COMBINED:"** a building drain which conveys both sewage and storm water or other drainage.
 2. **"SANITARY:"** a building drain which conveys sewage only.
 3. **"STORM:"** a building drain which conveys storm water or other drainage, but not sewage.
- e) **"BUILDING (OR HOUSE) DRAIN CONNECTION:"** the point where the Building (or House) sewer is connected to the building drain at a location approximately three (3) feet outside the foundation wall of the building.
- f) **"BUILDING (OR HOUSE) SEWER"** - that part of the drainage system which extends from the end of the building drain and conveys its discharge to a public sewer, private sewer, individual sewage disposal system or other point of disposal.
1. **"COMBINED:"** a building sewer which conveys both sewage and storm water or other drainage.
 2. **"SANITARY:"** a building sewer which conveys sewage only.
 3. **"STORM:"** a building sewer which conveys storm water or other drainage, but not sewage.
- g) **"BUILDING (OR HOUSE) SEWER CONNECTION"** - the point where the building sewer is connected to the public sewer. This connection to the public sewer may be accomplished as follows:
1. Where a tap-in connection is employed, the point of connection shall be where the end of the building sewer meets the inside face of the sewage system and the tapping "saddle and/or joint" shall be considered part of the building sewer.
 2. Where fittings (T's or Y's) are employed the connection shall be where the end of the first pipe meets the end of the fitting and the said T or Y fitting shall be considered a part of the building sewer.
- h) **"CATEGORICAL INDUSTRY"** - an industry whose effluent is regulated by 40 CFR 403.6.
- i) **"CATEGORICAL PRETREATMENT STANDARD OR NATIONAL STANDARD"** - any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users which appear in 40 CFR Chapter I, Subchapter N Part 405-471.
- j) **"CHEMICAL OXYGEN DEMAND (COD)"** - a measure of oxygen equivalent to that portion of the organic matter in a sample of sewage, sewage effluent, polluted waters or industrial wastes that is susceptible to oxidation by a strong chemical oxidant. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods." (see paragraph 24-1. (rr) below).
- k) **"CITY"** - the City of Fort Wayne, Indiana.

1) "CLASSIFICATION OF USERS"

1. "RESIDENTIAL USERS" shall include any user of the City's treatment works whose lot, parcel or real estate or building is used for domestic dwelling purposes only.
2. "COMMERCIAL USER" shall include all retail stores, restaurants, office buildings, laundries and other private business and service establishments, including those identified in the Standard Industrial Classification Manual, 1972, Office of management and Budget Division I - Services.
3. "INDUSTRIAL USER" shall include any user of the City's treatment works which is identified in the Standard Industrial Classification manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions; Division A-Agriculture, Forestry and Fishing; Division B-Mining; Division D-Manufacturing; Division E-Transportation, Communications, Electric, Gas and Sanitary.

"Industrial Users" shall be classified as follows:

- a. "NON-DISCHARGE USERS" shall include all industries which discharge sanitary sewage only, and industrial users whose discharge is limited to non-contact cooling water, or boiler blowdown water.
- b. "NON-MAJOR INDUSTRIAL USER" shall include all industries which discharge process water but do not meet the criteria of "Significant Industrial Users."
- c. "SIGNIFICANT INDUSTRIAL USERS"- (SIU) shall include all industries comprised of categorical and non-categorical industries and shall further be defined as set out at 40 CFR 403.3(t).
4. "INSTITUTIONAL USER" shall include social, charitable, religions and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.
5. "GOVERNMENTAL USER" shall include legislative, judicial, administrative and regulatory activities of Federal, State and Local governments.

m) "COMPLIANCE SAMPLE" - a sample taken of a User's effluent within thirty (30) days after a violation of this Chapter, the User's permit or the Federal Pretreatment Standards and Regulations has been discovered or reported. The User shall be billed for any Compliance Sample taken.

n) "COMPOSITE SAMPLE" - the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time. Time intervals between discrete samples not to exceed 2 hours.

o) "DWELLING:" a building, or portion thereof, under one roof used primarily as the abode of one or more persons,

but not including hotels, motels, lodging or boarding houses or tourist homes.

- p) **"EFFLUENT"** - the water, together with any wastes that may be present, flowing out of a drain, sewer receptacle or outlet.
- q) **"EMERGENCY"** - an unforeseen circumstance or combination of circumstances that may cause an eminent endangerment to the health and/or welfare of persons, the environment, or which may interfere with the operation of the sewer collection system or the Water Pollution Control Plant.
- r) **"FOLLOW-UP SAMPLE"** - a sample taken of a User's effluent at the City's discretion from a User receiving scheduled sampling, at times other than those regularly scheduled. A follow-up sample shall be done at no cost to the User.
- s) **"GARBAGE"** - any solid wastes from the preparation, cooking or dispensing of food or from the handling, storage or sale of produce.
- t) **"GRAB SAMPLE"** - is defined as an individual discrete effluent sample collected over a period of time not to exceed 15 minutes.
- u) **"GROUND GARBAGE"** - garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in public sewers, with no particle being greater than one-half (1/2) inch in any dimension.
- v) **"INDIRECT DISCHARGE"** - the introduction of pollutants into the sewerage system from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act.
- w) **"INDUSTRIAL WASTES"** - any solid, liquid or gaseous substance or form of energy discharged, permitted to flow or escape, or transported from an industrial, manufacturing, commercial or business operation or process or from the development, recovery or processing of any natural resource carried on by any person.
- x) **"INFLUENT"** - the water, together with any wastes that may be present, flowing into a drain, sewer, receptacle or outlet.
- y) **"NORMAL DOMESTIC SEWAGE"** - sewage having an average daily suspended solids concentration of not more than 300 milligrams per liter, an average daily BOD concentration of not more than 300 milligrams per liter, an average daily COD concentration of not more than 600 milligrams per liter, an average daily phosphorus concentration of not more than 10 milligrams per liter, and an average daily ammonia concentration of not more than 25 milligrams.
- z) **"NPDES PERMIT"** - the National Pollutant Discharge Elimination System Permit issued by the Indiana Department of Environmental Management for discharges of waste waters to navigable waters of the United States pursuant to Section 402 of 33 U.S.C. 466.
- aa) **"OPERATION AND MAINTENANCE COSTS"** - all costs direct and indirect, other than debt services including replacement costs as defined in paragraph 24.1.(ff), necessary to insure adequate wastewater treatment on a continuing basis conforming with federal, state or local

requirements and to insure long-term facilities management.

bb) "OUTLET" - any outlet, natural or constructed, which is the point of final discharge of sewage or of treatment plant effluent into any watercourse, pond, ditch, lake or other body of surface or ground water.

cc) "PERSON" - any individual, owner, discharger, lessee, occupant, firm, partnership, company, municipal or private corporation, commercial establishment, association, society, institution, enterprise, governmental agency or other legal unit or entity.

dd) "pH" - an expression of the intensity of the base or acidic conditions of a liquid.

ee) "POLLUTANTS" -

1. "COMPATIBLE POLLUTANTS" - waste containing biochemical oxygen demand, chemical oxygen demand, suspended solids, phosphorus, pH and fecal coliform bacteria and ammonia (NH₃).

2. "INCOMPATIBLE POLLUTANTS" - wastes with any pollutant that is not a compatible pollutant which is regulated by the NPDES permit or that would cause damage to the sewage system and/or treatment plant.

ff) "RANDOM SAMPLE" - A sample taken at no charge to the User, at the City's discretion of effluent produced by Users not receiving scheduled sampling.

gg) "RECEIVING STREAM" - the watercourse, stream or body of water receiving the waters finally discharged from the sewage treatment plant.

hh) "REPLACEMENT COSTS" - that cost, stated in current monetary values, as an operating cost which represents and measures the expenditures required to replace equipment, accessories or appurtenances of the property in order to maintain capacity and performance during the useful life of the property of the Water Pollution Control Utility.

ii) "REPLACEMENT FUND" - a fund maintained to provide resources to pay for replacement expenditures annually as required to maintain the capacity and performance of the property of the Sewage Works.

jj) "SANITARY SEWAGE" - sewage discharged from the sanitary conveniences of dwellings, apartment houses, condominiums, motels, hotels, lodging or boarding houses, office buildings, factories or institutions, and free from storm water, surface water, groundwater and industrial wastes.

kk) "SCHEDULED SAMPLE" - Routine sampling of a User's effluent, usually twice a year for a Commercial User and quarterly for Industrial Users.

ll) "SERVICE CHARGE" - a charge levied on a user of the treatment works which includes the user charge, a charge for local capital costs, and may include other charges for current services.

- mm) **"SEWAGE"** - the water-carried wastes from residences, business buildings, institutions and industrial establishments, singularly or in any combination, together with such ground, surface and storm waters as may be present.
- nn) **"SEWAGE TREATMENT PLANT" - "WATER POLLUTION CONTROL PLANT" (WPC) PLANT)** - the arrangement of devices, structures and equipment used for treating and disposing of sewage and sludge.
- oo) **"SEWAGE WORKS" OR "WATER POLLUTION CONTROL UTILITY"** - all facilities and systems for collecting, transporting, pumping, treating, disposing of sewage and sludge, including the sewage treatment plant and the sanitary, storm and combination sewer collection systems whether or not in active use.
- pp) **"SEWER"** - a pipe or conduit for carrying sewage and other waste liquids as differentiated below:
1. **"COMBINED OR COMBINATION SEWER"** - a sewer which carries storm, surface and groundwater runoff as well as sewage.
 2. **"PUBLIC SEWER"** - a sewer to the use of which all owners of abutting property have equal rights and is controlled and maintained by the City or other public authority.
 3. **"SANITARY SEWER"** - a sewer which carries domestic and unpolluted industrial sanitary sewage and to which storm, surface, groundwaters and unpolluted industrial waste waters are not intentionally admitted.
 4. **"STORM SEWER"** - a sewer which carries storm, surface and groundwater drainage but excludes sanitary sewage.
- qq) **"SEWER ENGINEER"** - the Chief Sewer Engineer of the City or his duly authorized representative; the term is synonymous with the term "Water Pollution Control Engineer."
- rr) **"SEWERAGE SYSTEM"** - the network of sewers and appurtenances used for collecting, transporting and pumping sewage to the Sewage Treatment Plant.
- ss) **"SHALL"** means mandatory; **"may"** means permissible.
- tt) **"SLUGLOAD"** - any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge limits set in the Rules and Regulations Section 6.
- uu) **"STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE"** - a classification pursuant to the Standard Industrial Classification Manual used by the U.S. Office of Management & Budget.
- vv) **"STANDARD METHODS"** - the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Water Works Association and the Water Pollution Control Federation, a copy of which is on file in the Office of the Superintendent.

- 1 ww) "STRENGTH-OF-WASTE SURCHARGE" - the additional charges
2 for sewage service collected from users discharging
3 sewage into the system having a strength measurement in
4 excess of the limits imposed by the provisions of this
5 Chapter.
- 6 xx) "SUPERINTENDENT" - the Superintendent of the Sewage
7 Treatment Plant (Water Pollution Control Plant) of the
8 City, or his duly authorized representative.
- 9 yy) "SUSPENDED SOLIDS" - solids which either float on the
10 surface of or are in suspension in water, sewage or other
11 liquid and which are removable by laboratory filtration.
12 Their concentration is expressed in milligrams per liter.
13 Quantitative determinations are made in accordance with
14 procedures set forth in "Standard Methods."
- 15 zz) "TOXIC POLLUTANT" - one of 126 pollutants, or
16 combinations of those pollutants, listed as toxic in
17 regulations promulgated by the EPA under the provisions
18 of Section 307 (33 USC 1317) of the Act.
- 19 aaa) "USER CHARGE" - a charge imposed on users of a treatment
20 works to defray the cost of operation, maintenance and
21 replacement.
- 22 bbb) "USER REQUESTED SAMPLE" - any effluent sampled taken by
23 the City at the request of the User, the cost for which
24 shall be billed to the User.
- 25 ccc) "WASTE SURVEILLANCE CHARGE" - a monthly charge collected
26 from users, qualifying as industrial or commercial class
27 users, to defray the cost of evaluating that user's waste
28 by metering, sampling, laboratory analysis and/or other
29 methods deemed necessary. Said charges are set forth in
30 Article VII and are subject to review annually as
31 provided in Section 24-41.
- 32 ddd) "WATERCOURSE" - a channel in which the flow of water
occurs either continuously or intermittently.

Sec. 51.002. Damage to City Property Prohibited.

It shall be unlawful for any unauthorized person to maliciously, willfully or negligently break, damage, destroy, remove, deface or tamper with any structure, appurtenance or equipment which is part of the City sewage system, the City's Water Pollution Control Plant or property of others assigned to the City for operation and maintenance and shall be liable for damage.

Sec. 51.003. Dilution.

It shall be unlawful for any person to increase the use of potable water or process water in any way, or mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with pretreatment standards or requirements. The City may impose discharge limitations on any persons using dilution to meet applicable pretreatment standards or discharge permit requirements. The City may also impose discharge limitations in other circumstances deemed appropriate by the Board of Public Works.

1 **Sec. 51.004. Accidental Discharges.**

- 2 a) Each person shall provide protection from accidental
3 discharge of prohibited or regulated materials or
4 substances to sewers of the City of Fort Wayne. Where
5 necessary, procedures and facilities to prevent the
6 accidental discharge of prohibited materials shall be
7 provided and maintained at said discharger's expense.
8 Detailed plans showing facilities and operating
9 procedures to provide this protection shall be submitted
10 to the Superintendent for review, and be approved by the
11 City before construction of the facility. Review and
12 approval of plans and operating procedures by the City
13 shall not relieve the discharger from the responsibility
14 to modify its facility as necessary to meet applicable
15 federal, state and local requirements.
- 16 b) All responsible persons shall notify the Superintendent
17 of the Water Pollution Control Plant, or his
18 representative, immediately when a "slug load" or
19 accidental discharge occurs. A written report shall be
20 submitted within five (5) days of the incident. The
21 notification must include the location of the discharge,
22 date and time of occurrence, type of waste, concentration
23 and volume and corrective actions taken. Any person who
24 discharges a "slug load" of prohibited materials will be
25 liable for any expense, including loss or damage to the
26 City's sewerage system and treatment facilities in
27 addition to the amount of any fines imposed upon the City
28 under state or federal law.
- 29 c) Signs must be permanently posted in conspicuous places on
30 the dischargers' premises, advising employees whom to
31 call in the event of an accidental discharge. Employers
32 shall adequately instruct all employees who may cause or
33 discover such discharges of the emergency notification
34 procedures.

35 **Sec. 51.015. Requirements for Connection to Public Sewers.**

- 36 a) No owners of or persons controlling any real property
37 shall tap or drain either directly or indirectly into any
38 public sewer until a sewer tap permit has been obtained
39 from the City and until owner has satisfied the
40 obligation to pay all assessments, reimbursements and
41 pro-rata shares of sewer extension costs laid against
42 that property for public sewers which serve it. A sewer
43 tap permit given in error shall not operate to nullify
44 and such obligation that has been duly recorded nor estop
45 the City from charging and collecting such costs at any
46 subsequent time.
- 47 b) Notwithstanding the foregoing, the Sewage Works may, in
48 accordance with policies and procedures adopted by the
49 Board of Public Works and from time to time, permit any
50 persons to tap or drain into a public sewer and to deter,
51 in whole or in part, payment of the obligation, upon the
52 execution and delivery to the Sewage Works of a note,
53 mortgage, lien document or other evidence of obligation
54 acceptable to the Sewage Works.
- 55 c) All such deferred obligations shall be considered for the
56 purposes of Indiana Code Section 36-9-23-31 through 36-9-
57 23-34 to be fees assessed against real property.
- 58 d) Installments of deferred obligations, including any
59 finance charges or interest chargeable thereon, shall be

deemed to be "charges for sewerage service" for the purposes of Articles VIII and IX of this Ordinance.

- e) Sewer tap permits shall be obtained from the City's New Water and Sewer Permit Office and shall be issued only to licensed sewer tap contractors, who shall pay to the Sewage Works a fee of fifty dollars (\$50.00) for each sewer tap permit for a standard six-inch service, a fee of ninety dollars (\$90.00) for each sewer tap permit for a special six-inch service (such as a sewer tap into a collection system manhole) and a fee of ninety dollars (\$90.00) for each sewer tap permit for a sewer service larger than six-inches. The aforementioned charges will apply to similar types of taps into the City storm sewer system. Not later than 48 hours after making each sewer tap and building of the sewer installation, the tap contractor or property owner shall notify the New Water and Sewer Permit Office of such connections so that an inspection may be made by the Sewage Works prior to backfilling the said sewer installation.
- f) No person shall connect any roof downspout, exterior foundation drain, or other source of surface runoff or groundwater to a building sewer or building or house drain which is connected either directly or indirectly to a sanitary sewer of the City.
- g) The Board of Public Works shall have the authority to require an owner of real property to disconnect any downspouts, yard drains or other drains which carry the runoff of natural precipitation from a building sewer which drains into a sanitary sewer. Property owners shall have thirty (30) days after notice thereof to comply with any such requirement.
- h) A new connection may be made to a City sewer or sewers connected to the City system only after there has been adequate assurance by the City that the downstream facilities of the Sewage Works have adequate capacity to transmit and treat the new waste loadings.
- i) No person shall make use of a sewer tap or back-fill or otherwise conceal a sewer installation unless and until the same has been inspected and approved by the Sewage Works. In addition to all other remedies, the Sewage Works may cause the said installation of sewer tap to be excavated and exposed, may terminate the connection and may require the owner or occupant to pay or reimburse the Sewage Works for its costs and expenses in such excavation, exposure, termination, reconnection and restoration. Such costs and expenses shall be considered as charges for sewerage treatment services and may be collected in accordance with the provisions of Indiana Code 36-9-23-31 through 36-9-23-34 and Article IX of this Chapter.
- j) No person shall construct any combination sewers without the express written consent and approval of the Board of Public Works.
- k) The Board of Public Works shall have the authority to require that new construction tributary to any combined sewer be designed to minimize or delay inflow contribution to the existing combined sewerage system.
- m) The Board of Public Works shall have the authority to require that for any new building any storm sewer connection to any combined sewer shall be made separate

and apart from the sanitary sewer connection in order to facilitate future disconnection from the combined sewer in the event a separate storm sewer subsequently becomes available.

Sec. 51.016. Extensions of Sewers Outside Corporate Limits.

The installation, construction, or extension of sanitary sewers by private developers or by the City outside the corporate limits of the City and the connection of said sanitary sewers into the City's sewage system from, by, to, or for properties located outside such limits is prohibited, except with the approval of the Board of Public Works by duly enacted resolution, provided that a resolution ratifying and agreement and/or contract for such construction and connection shall be deemed to constitute such approval.

Sec. 51.017 Connections to Sewerage System by Certain Properties Outside Corporate Limits.

Notwithstanding the provisions of Sec. 24-4, the Board of Public Works shall have the authority to permit a property located outside the corporate limits of the City to connect to an existing sanitary sewer which is part of the City's sewerage system, when the property abuts, adjoins or is immediately contiguous to the street, alley or easement in which such sewer is located and provided the property owner or occupant has complied with the requirements prescribed by Sec. 24-3 of this Chapter.

COMMERCIAL AND INDUSTRIAL WASTES AND DISCHARGES

Sec. 51.030. Prior Approval for Certain Wastes.

Review and acceptance by the Superintendent shall be obtained prior to the discharge into the sewage works sewers by any persons having sewage wastes which contain:

- a) Either a BOD content greater than 300 milligrams per liter or a COD greater than 600 milligrams per liter.
- b) A suspended solids content greater than 300 milligrams per liter.
- c) A phosphorus content greater than 10 milligrams per liter.
- d) An ammonia content greater than 25 milligrams per liter.
- e) Other contaminants which either from their constituents or quantities will: (a) interfere with the operation of any portion of the Sewage Works; (b) pass through the treatment works or otherwise be incompatible with such works; (c) prevent the reclamation and/or recycling of municipal or industrial wastewaters and sludges.

However, nothing in this section or elsewhere in Chapter 51 shall be read to allow the user to discharge pollutants which shall cause interference or pass through and/or to absolve the user from liability in the occurrence of a discharge which causes such interference or pass through.

Sec. 51.031. Pretreatment Facilities; Approval of Proposed Plans, Operation.

(A) General.

When, after making such a review, the Superintendent concludes that, before the person discharges waste into the public sewers, the person must modify or eliminate those constituents which would be harmful to the structures, processes, or operations of any portion of the Sewage Works or injurious to the health of the general public, then that person shall either modify the wastes at the point of origin or shall provide and operate, at said person's expense, such treatment and processing facilities as may be deemed necessary to render said person's waste acceptable for admission to the public sewers.

(B) Prior Approval.

Plans, specifications and any other pertinent information relating to proposed treatment or processing facilities shall be submitted to the Superintendent for examination and approval. No construction of such facilities shall begin until the Superintendent has given written approval. Such approval shall not exempt the person from the obligation to make further reasonable adaptations of such facilities when such adaptations prove necessary to secure the results of acceptable waste concentrations desired. The approval of proposed facilities and/or equipment by the Superintendent does not in any way guarantee that such facilities and/or equipment will function in the manner described by the person's constructor or the manufacturer of said facilities and equipment, nor shall such approval relieve any person of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purposes.

(C) Operation.

Where pretreatment facilities are provided pursuant to the Superintendent's approval, they shall be maintained continuously in satisfactory and effective operating condition at the person's expense and shall be subject to periodic and random inspection and sampling by the City. The person responsible for such facilities shall maintain suitable operating records which shall be open to inspection by the City, and shall submit to the Superintendent such monthly summary reports of the character of the influent and effluent of the facilities as the Superintendent may require. All records and reports shall be retained for a minimum of three (3) years. All industry whether defined as Categorical or Non-Categorical Industry by state and federal regulations shall comply with all requirements of 40 CFR 403.12.

Pursuant to 40 CFR 403.12(o), the City may, at its discretion, require that records be kept for a longer period in the case of unresolved litigation or when requested by the Approval Authority.

All industries whether defined as Categorical or Non-categorical Industry by State and Federal Regulation shall comply with all requirements of 40 CFR 403.12, including, when applicable, Baseline Monitoring Reports (BMRs), 90 Day Compliance Reports, and Periodic Compliance Reports.

1 **Sec. 51.032. Federal Pretreatment Standards.**

2 As part of this Ordinance the City shall enforce all federal
3 pretreatment standards including but not limited to
4 Categorical Pretreatment Standards upon persons within its
 service area or within the service area of any Contract
 Customers.

5 Categorical Industrial Users must comply with all applicable
6 National Categorical Pretreatment Standards found in 40 CFR
7 Chapter 1, Subchapter N, Parts 405-471. These Standards are
 hereby incorporated into this Ordinance.

8 **Sec. 51.033. Prohibited Discharges and Limitations.**

9 Except as hereinbefore provided, no person shall discharge or
10 cause or permit to be discharged into the public sewer any of
 the following described substances, wastes or waters:

- 11 a) Any liquid or vapor having a temperature greater than
12 140° F. (40°), or any wastewater which will cause the WPC
 Plant's influent to exceed 104° F. (40°c).
- 13 b) Any waters or wastes containing more than 100 milligrams
14 per liter of petroleum or mineral based grease, oils,
15 fats or waxes. Acceptable limits for animal-vegetable
16 based fats, oils and grease shall be determined by the
17 Board of Public Works and set out in the Sewer Utility
18 Rules and Regulations. Said maximum limits shall be
 calculated and set at an amount shown not to cause
 interference or obstruction in the collection system
 and/or sewerage works, and shall be re-evaluated and
 adjusted as necessary to protect the integrity of the
 sewer utility.
- 19 c) Any gasoline, benzene, naphtha, fuel oil, mineral oil or
20 any other flammable or explosive solid, liquid or gas.
- 21 d) Any noxious or malodorous gas or substance which either
22 alone or by interaction with other wastes, is capable of
23 creating a public nuisance or hazard to life or of
24 preventing entry into the sewers of their maintenance or
25 repair.
- 26 e) Any garbage that has not been properly pretreated and
27 reduced per Sec. 24-1(p).
- 28 f) Any ashes, cinders, sand, mud, straw, shavings, wood,
29 metal, glass, rags, feathers, tar, plastics, paunch
30 manure, butchers' offal or any other solid or viscous
31 substances capable of causing obstruction to the flow in
32 sewers or other interference with the proper operation of
 the sewerage system or the Sewage Treatment Plant.
- g) Any waters or wastes having a pH less than 6.0 or greater
 than 10.0 or having any other corrosive property capable
 of causing damage or posing hazards to the structures,
 equipment or personnel of the Sewage Works.
- h) Any waters or wastes containing toxic substances, as
 defined under Section 307 (b) and (c) of the Clean Water
 Act in sufficient quantity to interfere with the
 biological process of the Sewage Treatment Plant or that
 will pass through the Plant into the receiving stream in
 amounts exceeding the standards set forth by federal,
 interstate, or other competent authority having

jurisdiction, or will prevent the disposal of the sludges by the Plant in accordance with Section 405 of said Act.

- i) Any toxic radioactive isotopes, without a special permit. The radioactive isotopes of I 131 and P 32 used in hospitals are not prohibited, if they are properly diluted before being discharged into the sewerage system, as further defined in the General Rules and Regulations.
- j) Any waters or wastes that for a duration of 15 minutes or more have a concentration more than 5 times the average concentration of BOD or suspended solids of the user's sewage discharged during a 24 hour period of normal operation.
- k) Any waters or wastes containing suspended solids of such character and quantity that unusual provisions, attention and expense would be required to handle such materials at the Sewage Treatment Plant, its pumping stations or other facilities.
- l) Any waters or wastes containing incompatible pollutants as herein described.
- m) Any waters or wastes containing any toxic substances in quantities that are sufficient to interfere with the biochemical processes of the Sewage Treatment Plant, that will pass through the plant into the receiving waters or accumulate in the sludges in an amount exceeding the limitations, set forth by any federal, state, interstate or local limitations whichever is more stringent. Specifically excluded are any waters or wastes containing toxic ions, compounds, or substances in concentrations or amounts exceeding the limitations set forth by the Board of Public Works and published in the General Rules and Regulations.
- n) Any bulk waste, either industrial or domestic, without prior written approval of the Superintendent.
- o) Any substances with objectional color not removed by the treatment process, such as, but not limited to dye waste and vegetable tanning solutions.
- p) The City reserves the right to refuse, deny or revoke the connection of any user in the event the sewerage service requirements of the user, in the judgment of the Superintendent could or would impose an excessive burden on the Sewage Works or in the event the user is or has been repeated violation of this Ordinance. The City further reserves the right in the event of any emergency, to restrict the allowable discharge received from any or all large users of the sewerage system during the time of such emergency.
- q) Pollutants which create a fire or explosion hazard in the City's treatment works or sewage system, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit, or 60 degrees centigrade using test methods specified in 40 CFR 261.21.

Sec. 51.034. Responsibility for Obstruction or Damage To Sewers.

If a public sewer becomes obstructed or damaged because any of the aforementioned substances were improperly discharged, the person or persons responsible for such discharges shall

reimburse the City for the expenses incurred by the City for cleaning out, repairing, rebuilding the sewer or for any litigations or damage claims resulting therefrom, including legal fees and court costs. For multiple offenders, each responsible person shall be assessed a proportionate percentage of the damage.

Sec. 51.035. Submission of Data on Industrial Waste.

- a) The following conditions are required for all SIU permits, and also may be incorporated into other permits at the discretion of the Superintendent:
 - 1) a statement of duration;
 - 2) a statement of non-transferability;
 - 3) applicable Federal, State and local effluent limits;
 - 4) self-monitoring, sampling, reporting, notification, and recordkeeping requirements; and
 - 5) a statement of applicable civil and criminal penalties, pursuant to 40CFR 403.8(f)(1)-(iii).
- a) Any person who discharges industrial waste into the City's sewerage system either directly or indirectly, shall forthwith fill out and file, with the Superintendent, an Industrial Waste Questionnaire, baseline monitoring report or permit application, the form for which will be furnished by the City, in which shall be set forth the quantity and characteristics of the wastes discharged into the City's sewerage system. Any owner desiring to establish a new connection to the public sewer or to establish a new account with Sewage Works for the purpose of discharging industrial or commercial waste shall ninety (90) days prior to discharge first fill out and file with the Superintendent such a questionnaire, baseline monitoring report or permit application, which shall contain the actual or predicted data relating to the quantity and characteristics of the wastes to be discharged. After review of the submitted documents and permit application, the Superintendent shall issue an industrial wastewater discharge permit which shall contain conditions and requirements with which the person shall comply. All Rules and Regulations of the Sewer Utility must also be followed by a permitted user.
- b) Any person who adds, changes, modifies or proposes to change manufacturing or pretreatment processes shall first notify the Sewage Works, in writing, and submit a new or revised Industrial Waste Questionnaire for review by the Superintendent.
- c) Industrial Users must provide prior notification to the Superintendent of the WPC Plant before any changes are made to their effluent.
- d) Any person who knowingly makes any false statement, representation or certification in any application, report or other document required by the municipal ordinance or other applicable regulations shall, upon conviction be punished by the imposition of a criminal penalty as required by local and/or State statutes.

- 1 e) When special circumstances render it an unreasonable
2 burden to comply with the time schedule determined by the
3 Sewage Works for the correction of any industrial waste
4 discharge problem, an extension of time, not to exceed 90
5 days, may be granted by the Superintendent upon
6 presentation in writing of an application for such
7 relief.

8 **Sec. 51.036 Confidential Information.**

9 Information and data furnished to the City by any person shall
10 be made available to the public or other governmental agency
11 without restriction unless the person specifically requests
12 and is able to demonstrate in accordance with 40 CFR 2.203 and
13 330 IAC 5-1.5-8 that the release of such information would
14 divulge information and/or methods of production entitled to
15 protection as trade secrets or proprietary information of said
16 person. The above limitation to access has no application to
17 the USEPA, which shall be entitled to immediate and unlimited
18 access to all information collected by the City under its
19 Pretreatment Program. Further, under no circumstances may the
20 volume or the components of the discharge be considered
21 confidential. All requests, by the User, for confidentiality
22 of information shall be made in accordance to and governed by
23 the provisions of 330 IAC 5 and 40 CFR 2.

24 **Sec. 51.37. Control Manholes.**

25 Any person who discharges or may discharge industrial wastes
26 into a public sewer via any means such as floor drains, sinks,
27 catch basins, etc., shall be required by the Superintendent to
28 construct and maintain, at his own expense, one or more
29 control manholes, at a specified location or locations, to
30 facilitate the observation, measurement and sampling of
31 owner's waste. Such manholes shall be constructed in
32 accordance with the standards and specifications of the City.
The Superintendent may also require the person to install and
maintain in any such manhole, at said person's expense, an
approved volume-measuring device. Plans and/or shop drawings
for the installation of control manholes and related equipment
shall be approved by the Superintendent before any
construction is begun.

33 **Sec. 51.038. Grease and Sand Traps.**

34 Whenever the Superintendent determines that interceptors or
35 traps are needed to protect the City's sewerage collection
36 system or the City's Treatment Plant from grease, oil, sand or
37 similar substances occurring in any person's sewage and so
38 notifies said person, then such traps shall be promptly
39 installed by said person, at said person's expense and shall
40 be so maintained by that person that none of such substances
41 can be discharged or carried over into the public sewers. All
42 traps or interceptors shall meet the City's standards as to
43 construction, location and installation.

44 **Sec. 51.039. Inspections; Waste Sampling.**

- 45 a) Any person shall be subject to periodic and random
46 inspections by the City for the purpose of determining
47 compliance with permit limitations, solvent management
48 plans or spill prevention plans, identifying dilution
49 streams or to categorize regulated processes. These
50 inspections may consist of monitoring waste streams,

inspection of the premises, inspection and/or copying of production records, pretreatment operating records and other records or data deemed necessary by the inspector for the purposes stated above.

- b) The installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the wastes and shall be subject to the approval of the Superintendent. Access to the sampling facilities shall be granted, at all times, to the Superintendent.
- c) Where any person's operations have security measures in force which require proper identification and clearance before entry onto said person's property is granted, such person shall make the necessary arrangements with their security personnel that upon showing of proper identification personnel from the City shall be permitted to enter, without delay, for the purpose of observing or monitoring of wastes being discharged at a given point or points or that person shall install suitable control manholes outside of the security area or areas, which at all times will be immediately available to City personnel.

Sec. 51.040. Waste Analysis Procedures and Charges.

Laboratory procedures used in the examination of industrial wastes shall be those set forth in "Standard Methods", Code of Federal Regulations 40 CFR 136 or approved EPA methods.

- a) **CHARGES TO USERS** - alternate methods for certain analyses of commercial, industrial or institutional establishments may be used subject to mutual agreement between the Superintendent and the user. All such analyses shall be binding in determining strength-of-waste surcharges and other matters dependent upon the character and concentration of wastes. When surveillance sampling is conducted by the City, a split shall be made available for analysis by user upon request. In the event of a dispute between the Superintendent and the user as to the toxic nature or other particulars of the sample taken and analyzed by the City, the dispute shall be resolved through an appeals process consistent with approved USEPA or IDEM guidance documents and methodology, the specific procedures for which shall be set out in the Rules and Regulations of the WPC Utility. Analyses made by the City at the request of the user shall be charged to the user according to the Sewage Works' standard work order billing procedure.
- b) **CHARGES TO GOVERNMENTAL AGENCIES** - analyses performed by the Water Pollution Control Plant Laboratory for any governmental agency, or political sub-division of a city, county or state shall be billed to such agency or sub-division for direct labor and expenses according to the Sewage Works' standard work order billing procedure. Analyses performed for other agencies shall not have priority over the regular Water Pollution Control Plant analyses unless in the judgment of the Superintendent the urgency of the analyses warrants such priority.
- c) **CHARGES OF OUTSIDE SERVICES** - Analyses performed by the Water Pollution Control Plan Laboratory for any person shall be billed at the rate established by the Water Pollution Control Plan Laboratory for such analyses.

1 d) **CHARGES COLLECTED** - All waste analysis charges collected
2 under Section 24-23-a) and b) above shall be recorded as
3 credits to the operating costs of the Water Pollution
4 Control Plant and a quarterly accounting thereof shall be
5 forwarded to the Superintendent. All such charges are to
6 be used to defray the operation and maintenance expenses
7 incurred by the Water Pollution Control Plant in
8 performing said analyses.

9
10 **Sec. 51.041. Use of Representative Analysis.**

11 Until an adequate analysis of a representative sample of
12 user's wastes has been obtained, the City may, for the purpose
13 of this Chapter, make a determination of the character and
14 concentration of the wastes by using data based on analysis of
15 similar processes or data for this type of business that are
16 available from the United States Environmental Protection
17 Agency or from industry-recognized authoritative sources.
18 This method, if selected by the City, shall continue at the
19 City's pleasure or until an adequate analysis has been made.

20 **Sec. 51.051 Connection to Public Sewer Required When**
21 **Available.**

22 Any and all private sewer systems of any kind now existing in
23 or on premises where a public sewer is now or may hereafter
24 become available shall be discontinued, emptied of their
25 contents, cleaned out and be filled with earth or ashes and
26 the building sewer shall be connected to the public sewer.
27 All such connections to the public sewer shall be made within
28 90 days after the public sewer becomes available. Any person
29 who owns, leases, occupies or controls such property shall be
30 responsible for the connection to the public sewer.

31 **Sec. 51.052 Construction Permit Required for Private**
32 **System; Application; Fee; Duration.**

33 A. (1) Prior to the commencement of excavation or
34 construction for any residential or commercial building
35 where a private sewage disposal system or privy is
36 proposed to be installed; or where any alteration,
37 repair, addition or new installation serving any existing
38 private sewage disposal system is proposed, the owner,
39 lessee, occupant or any other person having an interest
40 in the property first shall obtain a construction permit
41 from the Fort Wayne-Allen County Health Officer.

42 (2) No person shall perform any work on such
43 project unless a valid construction permit first is
44 obtained and is properly posted in a conspicuous place at
45 or near the building where the private sewage disposal
46 system is to be constructed.

47 (3) The permit shall be plainly visible from
48 the public thoroughfare serving the building until the
49 project is completed.

50 (4) The application for such permit shall be
51 submitted to the Fort Wayne-Allen County Health Officer
52 on a form provided by such officer, supplemented by any
53 plans, specifications and other information as deemed
54 necessary by the Fort Wayne-Allen County Health Officer.

55 (B) The application form and permit shall be
56 prepared by the Fort Wayne-Allen County Health Officer.

(C) A permit and inspection fee of \$10 shall be paid to the City's General Fund at the time of filing the application.

(D) A construction permit shall be valid for one year from the date of issuance, and may be renewed for six months upon application; provided that when renewed the permittee shall comply with any changes in the rule, standards or requirements which may have come into effect subsequent to the original date of issuance.

Sec. 51.053 COMPLIANCE WITH STATE BOARD OF HEALTH REGULATIONS REQUIRED.

Construction permits shall not be granted unless all requirements of Indiana State Board of health Regulations HSE 25-R (Residential On-Site Waste Water Disposal) are met. A copy of Regulation HSE 25-R shall be on file in the office of the Fort Wayne-Allen County Board of Health.

Sec. 51.054 INSPECTION OF PRIVATE SYSTEM DURING CONSTRUCTION.

Upon issuance of a construction permit, the permittee may commence installation and construction of the private sewage disposal system in compliance with the permit issued therefor. The Fort Wayne-Allen County Health Officer may inspect the work at any stage of construction. Upon substantial completion of the installation, the permittee shall notify the Fort Wayne-Allen County Health Officer that the work is ready for inspection and no portion of the installation shall be covered until the inspection is made. No portion of the installation shall be used and, when the system serves a new building, no person shall be permitted to use the building(s) until the inspection has been completed and the system is found to be in compliance with the permit. The inspection shall be made within two working days of the receipt of notice by the Fort Wayne-Allen County health Office that the system is ready for inspection.

Sec. 51.055 FORT WAYNE-ALLEN COUNTY BOARD OF PUBLIC HEALTH TO ENFORCE PROVISIONS.

The provisions of this subchapter shall be enforced by the Fort Wayne-Allen County Board of Public Health and their authorized representatives.

Sec. 51.065. Charges Based on Water Usage/Flat Charges.

The charges made for sewerage service rendered to each lot, parcel of real estate or building having any connection with the City's sewerage system or otherwise discharging sewage into the system, either directly or indirectly, shall be based upon the quantity of water presumed to enter the public sewers after being used in or on the property, as the quantity is measured by the water meter or meters there in use by the City's Water Utility, except as herein otherwise provided. Flat charges shall be assessed on a monthly basis. For the purposes of this Ordinance, a month shall constitute 25-35 days. Service periods falling outside this parameter shall be prorated.

Sec. 51.066. Water Obtained from Sources Other Than City's Water Utility.

Where the property obtains any part or all of the water used from sources other than the City's Water Utility, the owner or the tenant may be required by the City to install and maintain at the user's own expense a meter or meters acceptable to the City for the quantity of water obtained from these other sources.

Sec. 51.067. Exempt Water - General.

Where a significant portion of the metered water does not and cannot enter the sewerage system, either directly or indirectly, the person having charge of the property may request permission from the City to install at the user's expense either an approved meter or meters to determine the quantity of water that cannot enter the sewerage system or an approved sewage-measuring device or devices to determine the volume of sewage that actually enters the sewerage system. In any case the service charge shall be based on the quantity of water that can or actually does enter the public sewers but in no case shall it be less than the minimum charge for the class of user served.

Sec. 51.068. Metering of Sewage.

The City may require a person to install and maintain at the user's expense an approved device to measure directly the volumes of wastes discharged to the sewerage system if those volumes cannot otherwise be determined from the metered-water consumption records. The City shall inspect and approve such installation and no such services, once installed, shall be removed without the City's approval.

Sec. 51.069. Residential User Charges.

A. Service Charge

Charges for services rendered shall be based on metered water consumption unless otherwise measured in accordance with the following charges for this classification of service:

Cents per 100 cu. ft.

Treatment	<u>56.06</u>
Conveyance, Collection, Billing	<u>30.33</u>
Capital	<u>16.38</u>
Total User Charge	<u>102.77</u>

B. User Minimum Charges and Other Fixed Payments

In the event the monthly sewage Service Charge calculated in accordance with the schedule above does not exceed the minimum monthly charge for each class of user as set forth hereafter, user shall pay said minimum monthly charge, in lieu of the charge calculated based on water usage, as follows:

<u>Water Meter Size</u>	<u>Minimum Monthly Charge</u>
5/8 - 3/4"	\$ <u>4.96</u>
1 - 1 1/2"	<u>17.52</u>
2"	<u>36.23</u>
3"	<u>72.86</u>

4"	<u>121.12</u>
6" or larger	<u>336.28</u>

C. User Flat Charges

In the event that any user in this classification is not a metered water customer, there shall be imposed flat charge rates as follows:

<u>Classification of Customer</u>	<u>Monthly Flat Charge (1)</u>	
	<u>In City</u>	<u>Out-City</u>
Residential User-Single Family Dwelling	\$10.28	\$12.30
Residential User-Multi Family Dwelling	To be estimated by City	

1.) Monthly flat charges for multi-family dwellings shall be based on the number of family units accommodated by the system multiplied by the single family dwelling monthly charges.

2.) The Utility shall retain documentation supporting its estimates and the billings based thereon. Such determination of billings may be reviewed and adjusted by the Utility at any time. However, no adjustment, additional charge or refund may be made more than six (6) years after the due date of the billing sought to be adjusted.

D. Inbalco Capital Surcharge - per month \$4.65

Sec. 51.070. Industrial User Charges.

A. Service Charge

Charges for services rendered shall be based on metered water consumption unless otherwise measured in accordance with the following charges for this classification of service:

<u>Cents per 100 cu. ft.</u>	
Treatment	56.06
Conveyance, Collection, Billing	30.33
Capital	16.38
Total User Charge	<u>102.77</u>

B. User Minimum Charges and Other Fixed Payments

In the event the monthly sewage Service Charge calculated in accordance with the schedule above does not exceed the minimum monthly charge for each class of user set forth hereafter, user shall pay said minimum monthly charge, in lieu of the charge calculated based on water usage, as follows:

<u>Water Meter Size</u>	<u>Minimum Monthly Charge</u>
5/8 - 3/4"	\$ 4.96
1 - 1 1/2"	17.52
2"	36.23
3"	72.86
4"	121.12
6" or larger	336.28

C. Other Industrial User Charges

1) Monthly billing charge - per bill \$3.15

- 2) Excess Strength of Wastes Surcharge - in the event an industrial user contributes waste having strength of sewage in excess of domestic waste characteristics, as hereinbefore defined, a surcharge based on the following unit process charges will be in effect for all waste found to be in excess of limitations:

	<u>Cents Per Pound</u>
Suspended Solids - (SS)	\$ 6.12
Biochemical Oxygen Demand - (BOD)	6.79
Phosphorus - (P)	55.14
Ammonia - (NH-3)	16.73

D. User Flat Charges

In the even any user in this classification is not a metered water customer, there shall be imposed a flat charge estimated by the City.

Sec. 51.071. Commercial User Charges

A. Service Charge

Charges for services rendered shall be based on metered water consumption unless otherwise measured in accordance with the following charges for this classification of service:

<u>Cents per 100 cu. ft.</u>	
Treatment	56.06
Conveyance, Collection, Billing	30.33
Capital	16.38
Total User Charge	<u>102.77</u>

B. User Minimum Charges and Other Fixes Payments

In the event the monthly sewage Service Charge calculated in accordance with the schedule above does not exceed the minimum monthly charge for each class of user as set forth hereafter, user shall pay said minimum monthly charge, in lieu of the charge calculated based on water usage, as follows:

<u>Water Meter Size</u>	<u>Minimum Monthly Charge</u>
5/8 - 3/4"	\$ 4.96
1 - 1 1/2"	17.52
2"	36.23
3"	72.86
4"	121.12
6" or larger	336.28

C. User Flat Charges

In the event any user in this classification is not a metered water customer, there shall be imposed a flat charge rate estimated by the City.

- D. Inbalco Capital Surcharge - per month \$4.65

E. Other commercial User Charges

In the event any user under this classification contributes waste having a strength of sewage in excess of domestic waste characteristics as hereinbefore defined, such user will be charged for surveillance and surcharges as set forth elsewhere

herein for Industrial Users, except as set out in the following paragraph.

Restaurants

Commercial users primarily engaged in the business of preparing and selling cooked food items and beverages shall pay an extra-strength surcharge of 34.26 cents per one hundred cubic feet in lieu of those scheduled surcharges otherwise set forth herein. For the purposes of this Chapter, a user qualified to hold a supplemental retailer's permit under Indiana Code 7.1-3-16.5-2(a) or (b) shall be presumed to fall within this category.

Sec. 51.072. Institutional User Charges.

A. Service Charge

Charges for services rendered shall be based on metered water consumption unless otherwise measured in accordance with the following charges for this classification of service:

Cents per 100 cu. ft.

Treatment	56.06
Conveyance, Collection, Billing	30.33
Capital	16.38
Total User Charge	102.77

B. User Minimum Charges and Other Fixed Payments

In the event the monthly sewage Service Charge calculated in accordance with the schedule above does not exceed the minimum monthly charge for each class of user set forth hereafter, user shall pay said minimum monthly charge, in lieu of the charge calculated based on water usage, as follows:

<u>Water Meter Size</u>	<u>Minimum Monthly Charge</u>
5/8 - 3/4"	\$ 4.96
1 - 1 1/2"	17.52
2"	36.23
3"	72.86
4"	121.12
6" or larger	336.28

C. Other Institutional User Charges

In the event any user under this classification contributes waste having a strength of sewage in excess of domestic waste characteristics as hereinbefore defined, such user will be charged for surveillance and surcharges as set forth elsewhere herein for Industrial Users.

D. User Flat Charges

In the event any user in this classification is not a metered water customer, there shall be imposed a flat charge estimated by the City.

E. Inbalco Capital Surcharge - per month \$4.65

Sec. 51.073. Governmental User Charges.

A. Service Charge

Charges for services rendered shall be based on metered water consumption unless otherwise measured in accordance with the following charges for this classification of service:

Cents per 100 cu. ft.

Treatment	56.06
Conveyance, Collection, Billing	30.33
Capital	16.38
Total User Charge	<u>102.77</u>

B. User Minimum Charges and Other Fixed Payments

In the event the monthly sewage Service Charge calculated in accordance with the schedule above does not exceed the minimum monthly charge for each class of user set forth hereafter, user shall pay said minimum monthly charge, in lieu of the charge calculated based on water usage, as follows:

<u>Water Meter Size</u>	<u>Minimum Monthly Charge</u>
5/8 - 3/4"	\$ 4.96
1 - 1 1/2"	17.52
2"	36.23
3"	72.86
4"	121.12
6" or larger	336.28

C. Other Governmental User Charges

In the event any user under this classification contributes waste having a strength of sewage in excess of domestic waste characteristics as hereinbefore defined, such user will be charged for surveillance and surcharges as set forth elsewhere herein for Industrial Users.

D. User Flat Charges

In the event any user in this classification is not a metered water customer, there shall be imposed a flat charge estimated by the City.

E. Inbalco Capital Surcharge - per month \$4.65

Sec. 51.074. Contract Customers - Unit and Other Charges.

In the event the City consummates a contract to serve as a regional treatment plant for any other municipality or private sewage utility, either contiguous to the City or in its environs, said contract shall provide for the following unit charges:

a) Volume Charge (cents per 100 cu. ft.).

Treatment	56.06
Capital Charge	.34
	56.40

b) Variable Charge (cents per 100 cu. ft.).

A variable charge for conveyance and collection costs attributable to the portion of the conveyance system and operating costs associated therewith used by the contract customer shall be computed by the City and added to the volume surcharge.

c) Flat Charge.

In addition to the foregoing charge based on volume of sewage treated and conveyed each contract customer will pay a monthly billing charge of \$3.15 and a monthly surveillance charge of \$146.65.

d) Excess Strength of Waste Surcharge.

In the event an institutional user contributes waste having a toxic strength in excess of domestic waste characteristics, as hereinbefore defined, a surcharge based on the following unit process charges will be in effect for all waste found to be in excess of limitations:

	<u>Cents Per Pound</u>
Suspended Solids - (SS)	\$ 6.12
Biochemical Oxygen Demand - (BOD)	6.79
Phosphorus - (P)	55.14
Ammonia - (NH-3)	16.73

e) Capital Surcharge.

In the event a contract customer delivers sewage for treatment to City for a period of 90 consecutive days which is in excess of base MGD contracted for, then customer will be subject to an additional capital charge computed at the capital charge (per 100 cu. ft.) then in effect times the excess percentage of MGD represented by dividing actual MGD by contracted MGD.

f) Other Provisions.

In the event sewage received pursuant to any contract entered into under this section exceeds any of the limitations imposed by this Chapter, the City shall have the right to impose all charges, limitations and penalties applicable to any non-contract user by the City. Each contract entered into by the City pursuant to the foregoing rate classification shall provide that the contract customer shall agree to enact and maintain a Sewer Use Ordinances and User Charge System acceptable to the City and in conformance with the City's obligations under Sec. 204 (b) (1). Public Law 92-500 as amended and supplemented, and guidelines and regulations promulgated thereunder by the U.S. Environmental Protection Agency and 40 CFR 35-905-8, 35-928-1 and 35-928-2 and 35-935-13.

Sec. 51.075. Bulk Waste Charges.

Industrial - for all industrial waste suitable for disposal directly through the plant digestors which as been delivered by the Customer to City's plant - \$287.50 per load. For purposes of computing charges hereunder, a load is defined as 5,000 gallons of tank capacity or fraction thereof.

Domestic - for all domestic waste delivered to plant by customer's truck or tank - \$37.25 per load. For purposes of computing charges hereunder, a load is defined as 1,000 gallons of tank capacity or fraction thereof.

Sec. 51.076. Liability for Surcharge.

Each user discharging wastes into the sewerage system shall be subject to a strength-of-wastes surcharge, in addition to other sewage service charges imposed by this ordinance, based on the following minimum strength characteristics to the extent that such wastes are in concentrations greater than:

- a) Biochemical oxygen demand of 300 milligrams per liter.
- b) Chemical oxygen demand of 600 milligrams per liter.
- c) Suspended solids content of 300 milligrams per liter.
- d) Phosphorus content of 10 milligrams per liter.
- e) Ammonia content of 25 milligrams per liter.

Sec. 51.077. Computation of Surcharge.

The surcharge shall be determined as follows:

The excess pounds of BOD or COD (whichever results in the higher charge) suspended solids, phosphorus and ammonia will each be computed by first multiplying the user's billing sewage volume measured in units of 100 cubic feet for the current billing period by the factor 0.0062321 and then multiplying this product by the difference between (a) the concentrations measured in milligrams per liter, of the BOD (or COD), suspended solids, phosphorus and ammonia respectively in the user's sewage and (b) the allowed concentrations set out in Section 24-38. The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge set out in Section 24-31. In the event COD measurement is used, as hereinbefore provided, 50% of the excess pounds measured will be used to compute the equivalent BOD charge.

Sec. 51.078. Continuing Surveillance Sampling/Waste Evaluation Charges.

All users discharging wastes into the system requiring continuing surveillance sampling and waste evaluation shall be subject to a monthly fixed charge to cover the costs of such services in the amount of \$146.65 per discharge point. In the event any user is not in compliance with effluent discharge limitations, as set forth elsewhere herein, and such non-compliance requires additional surveillance, sampling and waste evaluation, the user will be charged \$146.65 per occurrence.

However, Commercial Users primarily engaged in the business of preparing and selling cooked food items and beverages as derived in section 24-32 shall be subject to waste evaluations and/or surveillance sampling at least semi-annually, the cost for which shall be billed to said user.

Sec. 51.079 ANNUAL REVIEW OF SERVICE CHARGES AND SURCHARGES; REVISION OF CHARGES AND RATES.

Prior to May 1 of each year, the Chief Financial Officer of the City Utilities and an independent certified public accountant employed for that purpose shall submit to the Board of Public Works a comparison of the calculated unit cost for flow, removal of BOD, suspended solids, ammonia and phosphorus from the Water Pollution Control Plant influent during the previous year with unit charges currently in effect, from which the Board shall determine whether the current service charges and surcharges are adequate or should be changed, and to request legislative enactment of said changes by the Common Council. The methodology used in developing this cost comparison shall include:

(A) A system including the distribution of the cost of operation and maintenance of the treatment works of the WPC utility to each user class in proportion to such user's contribution to the total waste loading of the treatment works. Factors such as strength, volume and delivery flow characteristics shall be considered and included as the basis for the user's contribution to insure a proportional distribution of operation and maintenance and replacement costs to each user class.

(B) Total annual service charges and surcharges collected from each individual user class shall be deemed sufficient if said charges have generated during the prior operating period sufficient revenue to offset the cost of all treatment works operation and maintenance provided by the utility, including cost of management, system repair and replacement, debt retirement and other costs incidental to the utility operation attributable to such class.

DELINQUENT ACCOUNTS

BILLING OF SERVICE CHARGES;

Sec. 51.090 Billing Period.

- a) Charges for sewerage services shall be computed and billed by the General Office of the City Utilities. Bills shall be rendered approximately monthly, unless additional billing is required to reflect customer changes, meter changes, service terminations, initial billings or is otherwise required to adjust billing cycles. For the purpose of this Ordinance, a month shall constitute 25-35 days. Service periods falling outside this parameter shall be prorated.
- b) Billings for sewerage service shall be rendered with and shall be due and payable on the same due date as billings for water service to the same premises, if any, and if none, then within such billing cycle as the Utility may determine.

Sec. 51.091. Liability for Payment; Examination of Utility Records.

- a) Charges for sewerage service shall be billed to the person being billed for water service, if any, unless by contract with the Utility, another person assumes responsibility for payment. Notwithstanding billing to,

and assumption of responsibility by any person, charges for sewerage service shall remain the responsibility of the owner of the real estate, who shall hold the Utility harmless from any loss occasioned by the delinquency of the person billed, including all penalties, recording fees, attorney's fees, interest, and court costs, if any.

b) The owner of the real estate or person billed shall have the right to examine the Utility's records of billing and collection to ascertain whether such charges have been paid, and the amount thereof.

c) Nothing herein contained shall permit any person other than the owner, or the person being billed, to inspect, examine or otherwise obtain confidential information including the payment/credit history, income, employment, finances or social security number of the person being billed.

Sec. 51.092. First Billings.

The rates, charges and surcharges fixed in this Chapter shall extend to and cover any additional premises hereafter served, without hearing or notice. If the first billing to a new user covers a period other than a full billing month, then the charges for sewerage service for such billing shall be made in accordance with standard practice employed by the City's Water Utility.

Sec. 51.093 City Subject to Charges.

For sewerage services rendered to the City, or any department, structure, or property, thereof, the City shall be subject to the same rates and charges herein established for other persons, or to rates and charges established in harmony herewith.

Sec. 51.094. Consolidation of Accounts.

Where an industrial, commercial or other non-residential enterprise is operating in a unified manufacturing or service arena composed of two or more contiguous parcels of real estate and is supplied with water through two or more meters, upon application by the owner or his authorized agent, a consolidation of the water meter readings may be made for the purpose of calculating the sewerage service charge.

Sec. 51.095. Notice of Capital Surcharge.

The City Clerk shall certify a copy of Special Ordinance No. 2-233-81, enacted October 28, 1981, and all amendments thereto, heretofore or hereafter adopted, and shall record such certified copy in the Office of the Recorder of Allen County, Indiana to provide constructive notice to the owners and purchasers of real property in Adams Township and St. Joseph Township that a capital surcharge may be imposed upon properties connected to, or to be connected to, the City Utility Sewerage System, in those areas of said townships formerly served by sewerage system purchased or otherwise acquired by the City Utility.

1 **Sec. 51.096. Delinquent Accounts; Penalties**

2 Charges for sewerage service levied pursuant to this Chapter
3 shall be due and payable on or before the due date stated on
4 the bill. Any charge for sewerage and/or stormwater service
5 not aid by the due date shall be delinquent, and may be
6 collected, with any applied penalty, recording fees, service
7 charges, attorney's fees, interest and court costs, if any, in
8 accordance with this Chapter and with Indiana Code Sections
9 36-9-23-31 through 36-9-23-34. A penalty of ten percent (10%)
10 of the amount of the charges for sewerage service and/or
11 stormwater service shall be attached to the delinquent
12 charges.

13 **Sec. 51.097. Termination of Water Service Due to**
14 **Delinquency.**

15 Where the property having a delinquent account for charges for
16 sewerage service is served by the City's Water Utility, the
17 Utility may, after reasonable notice to the person being
18 billed, as provided by the Rules and Regulations of the
19 Utility adopted by the Board of Public Works, shut off water
20 service to the property. Water service shall not be restored
21 until the delinquent account, together with any required
22 deposit and the costs of turning off/turning on the water,
23 shall have been paid.

24 **Sec. 51.098. Termination of Sewer Service Due to**
25 **Delinquency.**

26 In addition to all other remedies provided, the Utility may,
27 after reasonable notice to the person being billed, as
28 provided by the Rules and Regulations of the Utility adopted
29 by the Board of Works, terminate sewerage service to the
30 property. Sewerage service shall not be restored until the
31 delinquent account, together with the costs of terminating an
32 reconnecting service, shall have been paid.

33 **Sec. 51.099. Delinquent Fees and Penalties as Liens;**
34 **Duplicates - Collection.**

35 Delinquent charges for sewerage services and/or stormwater
36 services, and applied penalties, recording fees and service
37 charges may be made a lien upon the property when the
38 delinquent party is the property owner and may be collected in
39 accordance with the provisions of Indiana Code 36-9-23-32 and
40 36-9-23-33.

41 **Sec. 51.100. Collection Through Court Actions.**

42 In addition to the foregoing remedies, the City may recover
43 the amount of the charges for sewerage services, penalties and
44 reasonable attorney's fees in a civil action, and may
45 foreclose liens established by this Chapter in accordance with
46 Indiana Code 36-9-23-34.

47 **ADMINISTRATION AND ENFORCEMENT**

48 **Sec. 51.110. Rules and Regulations-Board of Works Authority.**

49 The Board of Public works of the City shall, in accordance
50 with the Statutes of the State of Indiana, and subject to the
51 provisions and requirements of this Chapter, make and enforce

appropriate rules and regulations for the safe, economical and efficient management and operation of the City's Sewage Works, for the construction and use of sewers, building sewers, appurtenances and connections to the sewerage system; for the regulation, collection and refunding of rates and charges for sewerage service; and for the implementation and enforcement of the provisions of this Chapter.

Sec. 51.111. Enforcement.

Those provisions of this Chapter not specifically dealt with elsewhere shall be enforced by the Superintendent of the Water Pollution Control Plant and such deputies as he, with the approval of the Board of Public Works, may appoint for such purposes. Whenever said Superintendent or any such deputy shall deem it appropriate to charge any person with a violation(s) of this Chapter, he shall issue to such person a Notice of Violation and/or Summons, which shall be processed according to the provisions of Indiana Code (34-4-32-1) and sewer rules and regulations, or pursuant to an ordinance adopted in accordance with I.C. §36-1-6-9.

Sec. 51.999. Penalty for Violations.

Any person who violates or fails to comply with any provision of this Chapter or of the Rules and Regulations of the Board of Public Works or Administrative Orders pertaining thereto, shall be deemed to have committed a Class B infraction and upon conviction thereof be subject to a fine of up to \$1,000.00 per infraction as provided by Indiana Code 34-4-32-4. Each day that such violation(s) or noncompliance continues shall constitute a separate offense.

Sec. 51.112. Sewerage Works Improvement Fund.

The City Controller shall establish and maintain, for as long as user charges and surcharges are collected under the rate schedule instituted herein, accounts for the Sewerage Works Improvement Fund as required by prior ordinances relating to the issuance of sewerage works revenue bonds now outstanding and further in accordance with the laws of the State of Indiana relative to the deposit and disbursement of public funds.

SECTION 2. The invalidity of any section, sentence, clause, paragraph, part or provision of this Ordinance shall not affect the validity of any other section, sentence, clause, paragraph, part or provision of this Ordinance which can be given meaning without such invalid part or parts.

All Ordinances or parts of Ordinances and sections of the Municipal Code of the City of Fort Wayne in conflict herewith are hereby repealed.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor and due legal publication thereof.

Sam Talavera
Council Member

APPROVED AS TO FORM AND LEGALITY

J. Timothy McCauley
J. TIMOTHY MCCAULAY, CITY ATTORNEY

This Ordinance
does not
require -
"Legal Publications"
per Linda Powell
staff attorney.
8-24-94.

Read the first time in full and on motion by Talarico, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 8-9-94.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Talarico, seconded by _____, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>	<u>1</u>		<u>2</u>
BRADBURY		<u>1</u>		
EDMONDS	<u>1</u>			
GIAQUINTA	<u>1</u>			
HENRY	<u>1</u>			
LONG	<u>1</u>			
LUNSEY	<u>1</u>			
RAVINE				<u>1</u>
SCHMIDT				<u>1</u>
TALARICO	<u>1</u>			

DATED: 8-23-94

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) _____ (APPROPRIATION) General (GENERAL) _____ (SPECIAL) _____ (ZONING) _____ ORDINANCE RESOLUTION NO. 9-17-94

on the 23rd day of August, 1994

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

David C. Long
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of August, 1994, at the hour of 11:00 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 24th day of August, 1994, at the hour of 3:30 o'clock P. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

1 **Sec. 51.096. Delinquent Accounts; Penalties**

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3 shall be due and payable on or before the due date stated on
4 the bill. Any charge for sewerage and/or stormwater service
5 not paid by the due date shall be delinquent, and may be
6 collected, with any applied penalty, recording fees, service
7 charges, attorney's fees, interest and court costs, if any, in
8 accordance with this Chapter and with Indiana Code Sections
9 36-9-23-31 through 36-9-23-34. A penalty of ten percent (10%)
10 of the amount of the charges for sewerage service and/or
11 stormwater service shall be attached to the delinquent
12 charges.

13 **Sec. 51.097. Termination of Water Service Due to**
14 **Delinquency.**

15 Where the property having a delinquent account for charges for
16 sewerage service is served by the City's Water Utility, the
17 Utility may, after reasonable notice to the person being
18 billed, as provided by the Rules and Regulations of the
19 Utility adopted by the Board of Public Works, shut off water
20 service to the property. Water service shall not be restored
21 until the delinquent account, together with any required
22 deposit and the costs of turning off/turning on the water,
23 shall have been paid.

24 **Sec. 51.098. Termination of Sewer Service Due to**
25 **Delinquency.**

26 In addition to all other remedies provided, the Utility may,
27 after reasonable notice to the person being billed, as
28 provided by the Rules and Regulations of the Utility adopted
29 by the Board of Works, terminate sewerage service to the
30 property. Sewerage service shall not be restored until the
31 delinquent account, together with the costs of terminating an
32 reconnecting service, shall have been paid.

33 **Sec. 51.099. Delinquent Fees and Penalties as Liens;**
34 **Duplicates - Collection.**

35 Delinquent charges for sewerage services and applied
36 penalties, recording fees and service charges, by law,
37 constitute a lien upon the property under I.C. 36-9-23-32 and
38 may be collected in accordance with the provisions of that
39 section of the Indiana Code and 36-9-23-33.

40 **Sec. 51.100. Collection Through Court Actions.**

41 In addition to the foregoing remedies, the City may recover
42 the amount of the charges for sewerage services, penalties and
43 reasonable attorney's fees in a civil action, and may
44 foreclose liens established by this Chapter in accordance with
45 Indiana Code 36-9-23-34.

46 **ADMINISTRATION AND ENFORCEMENT**

47 **Sec. 51.110. Rules and Regulations-Board of Works Authority.**

48 The Board of Public works of the City shall, in accordance
49 with the Statutes of the State of Indiana, and subject to the
50 provisions and requirements of this Chapter, make and enforce



The City of Fort Wayne

Paul Helmke, Mayor

MEMORANDUM

LAW DEPARTMENT

TO: MEMBERS OF COMMON COUNCIL

FROM: LINDA PETERSON POWELL, STAFF ATTORNEY

DATE: August 8, 1994 *12-94-08-04.*

SUBJECT: CHAPTER 51: SEWERS AND SEWERAGE SYSTEM

Changes in the attached Ordinance amending Chapter 51 are primarily the result of an audit conducted by the United States Environmental Protection Agency Region 5 in March of 1993. Most of these changes are necessary to update the City's Sewer Use Ordinance to meet current EPA regulations placed on municipalities which treat industrial waste.

A few of the changes clarify procedures now in effect when sampling and analyzing the waste of industrial and/or commercial users of the City's Sewer Utility.

Finally, Section 51.099 has been reinserted to provide for the general collection of delinquent sewer utility fees through liens and/or foreclosure. This section was amended through action by the Council at the table in September, 1991, to exclude properties where the utility account was in the name of someone other than the owner. However, Indiana Code Section 36-9-23-32 states that delinquent sewer fees are liens upon the property, which attach upon filing of an appropriate notice with the County Record's Office. Protection is provided to the property owner who is not the occupant by a notice requirement. No lien may attach unless the property owner was notified of the delinquency within twenty (20) days after the time the utility bill became sixty (60) days overdue. Such notice must be requested in writing by the owner, along with a proper address to which the notice should be sent.

Since Council requested that no liens be placed upon rental property for delinquent sewage charges, significant revenue has been lost.

Should you have any questions regarding specific changes in this Ordinance, please feel free to call me. If you would like additional information on monies lost through failure to file liens for delinquent sewage charges, please contact Terry Atherton at 427-1381.

LPP:dcb

BILL NO. G-94-08-04

REPORT OF THE COMMITTEE ON
CITY UTILITIES
DAVID C. LONG - SAMUEL J. TALARICO - CO-CHAIR
MARK E. GIAQUINTA
REBECCA J. RAVINE

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) AMENDING CHAPTER 51 OF THE
CITY OF FORT WAYNE CODE OF LAWS (SEWERS AND SEWERAGE)

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

DATED: 8-23-94

Sandra E. Kennedy
City Clerk